

2030 W. SPOFFORD  
SPOKANE, WA 99205  
INDEPENDENT DISABLED  
UNARMED POLICY INCARCERATED  
PRISONER & PLAINTIFF  
2005 JUN 20 A 9:00

MO-FJ-16  
DATE: 6/14/05  
TIME: 19:00

DEPARTMENT OF U. S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

DONALD J. MUNIZ, III

PLAINTIFF

UNITED STATES, AND ITS  
OFFICERS AND AGENCIES;  
CLERK - U.S. DISTRICT  
COURT - MD-AL ; CLERK -  
U.S. BANKRUPTCY COURT -  
MD-AL ; U.S. ATTORNEY -  
MD-AL, OFFICE OF U.S.  
TRUSTEE - MD-AL ; U.S.  
MARSHAL SERVICE - MD -  
AL ; FBI - MD-AL ; IRS -  
MD-AL ; SECRET SERVICE -  
MD-AL ; AND THEIR  
OFFICERS.

DEFENDANTS.

CASE NO. 2:05CV587-F

VERIFIED COMPLAINT FOR:

- ① TO COMPEL OFFICERS/ AGENCIES OF THE U.S. TO PERFORM DUTIES PURSUANT TO 28 U.S.C. § 1361;
- ② DECLARATORY JUDGMENT PURSUANT TO 28 U.S.C. § 2201;
- ③ FOR ENTRY OF JUDGMENTS GRANTING FULL FAITH & CREDIT PURSUANT TO U.S. CONST ART IV § 1 AND 28 U.S.C. § 1738;
- ④ FOR RELIEF FROM VOID JUDGMENTS AND ORDERS PER 28 U.S.C. § 1655;
- ⑤ FOR ENFORCEMENT OF JUDGMENTS AGAINST DEFENDANT PURSUANT TO FRCP 72, 69(g) &

70;

- ⑥ CORRECTION OF AGENCY RECORDS PURSUANT TO 5 U.S.C. § 552a(g);
- ⑦ FOR INTJNCTION PER FRCP 65 AND FOR APPOINTMENT OF A MASTER PER FRCP 53(b);
- ⑧ FOR DAMAGES, COSTS AND ATTORNEY FEES.

JURY TRIAL DEMANDED

1  
2 I. JURISDICTION & VENUE  
3

4 1.1. THIS COURT HAS JURISDICTION  
5 OVER THIS ACTION PURSUANT TO  
6 28 U.S.C. § 1331.  
7

8 1.2 VENUE IS PROPER IN THIS  
9 COURT AS ONE OR MORE OF THE  
10 DEFENDANTS AS GOVERNMENT OFFICERS OR AGENCIES  
11 RESIDES IN OR HAS IT'S OFFICE OF  
12 OPERATIONS IN THIS DISTRICT, AND  
13 ONE OR MORE OF THE ACTS  
14 COMPLAINED OF OCCURRED IN THIS  
15 DISTRICT.  
16

17 1.3. THAT PLAINTIFF IS AN  
18 "OFFICER OF THE UNITED STATES", AS  
19 DEFINED BY 42 U.S.C. § 1985(1),  
20 APPOINTED PURSUANT TO 11 U.S.C. § 1123  
21 (b)(3)(B), AS THE DISBURSEMENT AGENT,  
22 LIQUIDATING TRUSTEE, AND GENERAL  
23 MANAGER OF RECORD MAILED DEBTOR  
24 BROADWAY BUILDINGS II L.P., PURSUANT  
25 TO ORDERS OF THE U.S. BANKRUPTCY  
26 COURT, CENTRAL DISTRICT OF CALIFORNIA,  
27 CASE NO. LA 98-18082, ENTERED  
28 3/19/99 AND 6/16/99.

1.4 THAT PLAINTIFF IS A  
"QUALIFIED INDIVIDUAL" WITH AN

1 RESTABLISHED DISABILITY, ENTITLED  
2 TO REASONABLE ACCOMMODATIONS FROM  
3 THE DEFENDANTS, AND THIS COURT,  
4 AND THE EQUAL PROTECTION CLAUSE  
5 OF THE 14TH AMEND. OF THE U.S.  
6 CONST.

7 1.5 THAT PLAINTIFF IS A RESIDENT  
8 OF SPOKANE, WA, AND IS PRESENTLY  
9 UNLAWFULLY INCARCERATED IN  
10 SPOKANE COUNTY JAIL, IN VIOLATION OF  
11 HIS CIVIL & CONSTITUTIONAL RIGHTS,  
12 IN RETALIATION FOR HAVING ATTEMPTED  
13 TO EXERCISE HIS CONSTITUTIONALLY  
14 PROTECTED RIGHTS.

15 1.6 THAT THIS COURT FURTHER HAS  
16 JURISDICTION IN THIS MATTER PURSUANT TO  
17 28 U.S.C § 2201, U.S. CONST. ART IV § 1; 28  
18 U.S.C. § 1738, 28 U.S.C. § 1655, AND  
19 5 U.S.C. § 552a(g).

PETITIONER & RESPONDENTS "DUTIES"  
II. PLAINTIFFS & DEFENDANTS "DUTIES"

2.1 THE PLAINTIFF IS THE  
LAWFUL OWNER, OWNER AND TRUSTEE,  
AS TO THE FOLLOWING "FOREIGN  
JUDGMENTS" REGISTERED IN THE  
FOLLOWING ACTIONS:

(A) UNITED STATES BANKRUPTCY COURT,  
EASTERN DISTRICT OF WASHINGTON, CASE  
NO. MC-02, FILED 3/21/02;

(B) UNITED STATES DISTRICT COURT,  
EASTERN DISTRICT OF WASHINGTON, CASE  
NO. 04-427, FILED 5/16/02;

(C) UNITED STATES BANKRUPTCY COURT,  
WESTERN DISTRICT OF WASHINGTON, CASE  
NO. ~~02~~-02-103 FILED 10/17/02;

(D) UNITED STATES DISTRICT COURT FOR  
DISTRICT OF IDAHO, CASE NO. MC-05114,  
FILED 12/27/00; and

(E) SPOKANE COUNTY SUPERIOR COURT  
CASE NO. 02-2-02825-4, FILED  
5/7/02; WITH ALL OF THE FOREGOING  
COLLECTIVELY  
BEING HERINAFTER REFERRED TO  
AS "FOREIGN JUDGMENTS".

2.2 THAT THE PLAINTIFF AND THE  
DEFENDANTS EACH ACCURRED CERTAIN  
DUTIES PURSUANT TO THE "FOREIGN JUDGMENTS

40F 22  
PC 40F

1 203. THAT BASED UPON THE  
2 "FOREIGN JUDGMENTS" ON 1/30/01  
3 IN CASE NO. C-97-435-BHW, A \*  
4 "STIPULATED ORDER RE: LIABILITY AND DAMAGES" WAS  
5 ENTERED (HEREIN AFTER "ATTACHED EXECUTION")

6 204. THAT THE ATTACHED <sup>MONEY</sup> JUDGMENT  
7 IS HEREIN AFTER REFERRED TO AS  
8 "ATTACHED EXECUTION".

9 205. THAT DEFENDANTS HAVE  
10 A CONSTITUTIONAL DUTY, AS A MINISTERIAL  
11 NON-DISCRETIONARY DUTY, TO GRANT  
12 FULL FAITH & CREDIT TO THE "FOREIGN  
13 JUDGMENTS" AND THE "ATTACHED  
14 EXECUTION", PURSUANT TO U.S.  
15 CONST. ART IV § 1.

16 206. THAT DEFENDANTS HAVE  
17 A STATUTORY DUTY, AS A MINISTERIAL  
18 NON-DISCRETIONARY DUTY, TO GRANT  
19 FULL FAITH & CREDIT TO THE "FOREIGN  
20 JUDGMENTS" AND THE "ATTACHED  
21 EXECUTION", PURSUANT TO 28 U.S.C.  
22 § 1738.

23 207. THAT THE DEFENDANTS HAVE  
24 A STATUTORY DUTY, AS A MINISTERIAL  
25 NON-DISCRETIONARY, TO ~~RESCUE~~  
26 ~~AND ENFORCE~~ ISSUE EXECUTION  
27 AND ENFORCEMENT AS TO THE  
28 "FOREIGN JUDGMENTS" AND THE

POL R 5 OF 22  
PC ~~RE~~

1 "ATTACHED EXECUTION" PURSUANT TO  
 2 FRCP RULE 69.

3 208 THAT THE DEFENDANTS HAVE  
 4 A STATUTORY DUTY, AS A MINISTERIAL  
 5 NON-DISCRETIONARY DUTY, TO ENFORCE  
 6 THE REIMPOSED AUTOMATIC STAY,  
 7 ESTABLISHED BY THE "FOREIGN  
 8 JUDGMENTS" AND THE "ATTACHED  
 9 EXECUTION" PURSUANT TO 11 U.S.C § 362

10 209 THAT THE DEFENDANTS  
 11 HAVE A STATUTORY DUTY, AS A  
 12 MINISTERIAL NON-DISCRETIONARY  
 13 DUTY TO ENFORCE THE DISCHARGE  
 14 AND DISCHARGE INjunction

15 ESTABLISHED BY THE "FOREIGN  
 16 JUDGMENTS" AND THE "ATTACHED  
 17 EXECUTION", PURSUANT TO 11  
 18 U.S.C. § 524 AND 11 U.S.C. § 1141.

19 2010 THAT THE DEFENDANTS  
 20 HAVE OTHER CONSTITUTIONAL,  
 21 STATUTORY, REGULATORY DUTIES,  
 22 AS MINISTERIAL NON-DISCRETIONARY  
 23 DUTIES AS TO THE ENFORCEMENT  
 24 AND EXECUTION OF THE "FOREIGN  
 25 JUDGMENTS" AND THE "ATTACHED  
 26 EXECUTION", AS PROVIDED BY LAW.

27 2011 THAT THE DEFENDANTS  
 28 HAVE BREACHED THEIR DUTIES AND

@@

# 6 OF 22  
 PC ~~06/20/05~~

1           OBLIGATIONS AS TO THE "FOREIGN  
 2           DOCUMENTS" AND THE "ATTACHED  
 3           EXECUTION".

4           2012 THAT PURSUANT TO  
 5           WAC 446-20-050(1)(b), REG 10.97,  
 6           WAC 446-20, AND 5 U.S.C. § 552a,  
 7           THE DEFENDANTS HAVE A  
 8           STATUTORY DUTY TO ~~CREATE~~ CREATE,  
 9           MAINTAIN, CORRECT AND DISSEMINATE  
 10          ACCURATE RECORDS AS TO THE  
 11          PLAINTIFF, THE "FOREIGN DOCUMENTS"  
 12          AND THE "ATTACHED EXECUTION".

13          2013 THAT THE DEFENDANTS  
 14          HAVE BREACHED THEIR DUTY TO  
 15          CREATE, MAINTAIN, CORRECT AND  
 16          DISSEMINATE ACCURATE RECORDS,  
 17          AS TO THE PLAINTIFF, THE  
 18          "FOREIGN DOCUMENTS" AND THE  
 19          "ATTACHED EXECUTION", IN  
 20          VIOLATION OF REG 10.97, WAC  
 21          446-20 AND 5 U.S.C. § 552a.

22          2014 ~~THAT~~ THAT THE DEFENDANTS  
 23          HAVE FAILED TO MAKE DISCLOSURES  
 24          TO THE PLAINTIFF AS MANDATED BY  
 25          THE FOIA, ② GRANT THE PLAINTIFF  
 26          ACCESS TO THE COURTS, OR ALTERNATELY  
 27          ADJUDICATIVE PROCEEDINGS; ③ GRANT

Re 70F 22  
PG ~~THE~~

1 THE PLAINTIFF REASONABLE  
 2 ACCOMMODATIONS, FOR AN ESTABLISHED  
 3 DISABILITY; ④ GRANT PLAINTIFF  
 4 FREEDOM FROM UNLAWFUL SEARCH  
 5 AND SEIZURES OF PROPERTY &  
 6 PLAINTIFF; ⑤ CURE AND DECIST  
 7 FROM UNLAWFULLY INTERFERING  
 8 WITH PLAINTIFF'S LIBERTY; AND ⑥  
 9 PROTECT THE PLAINTIFF FROM VIOLATIONS  
 10 OF HIS OTHER CIVIL & CONSTITUTIONAL  
 11 RIGHTS.  
 12

13 2.15 THE DEFENDANTS HAVE  
 14 FAILED AND REFUSED TO PAY TO  
 15 PLAINTIFF THE LIQUIDATED  
 16 DAMAGES OR LIQUIDATED COMPENSATION  
 17 AS ESTABLISHED BY THE "FOREIGN  
 18 JUDGMENTS" AND THE "ATTACHED  
 EXECUTION".  
 19

20 2.16 THE DEFENDANTS HAVE  
 21 FAILED AND REFUSED TO SURRENDER  
 22 OR TURN OVER REAL AND PERSONAL  
 23 PROPERTY OWNED IN PLAINTIFF, BY THE  
 24 "FOREIGN JUDGMENTS" AND THE  
 "ATTACHED EXECUTION".  
 25  
 26  
 27  
 28

1                   III CLAIMS

2                   3.1 THE "DUTIES" THAT THE DEFENDANT  
 HAVE TO THE PLAINTIFF ARE CLEAR AND  
 IN DISPUTABLE.

3                   3.2 THE DEFENDANT'S VIOLATIONS OF  
 THEIR "DUTIES" TO THE PLAINTIFF CONSTITUTE  
<sup>CLEAR</sup> CONSTITUTIONAL OR STATUTORY VIOLATIONS,

4                   3.3. THE DEFENDANTS OWE TO THE  
 PLAINTIFF PERFORMANCE OF THEIR "DUTIES"  
 WHICH ARE CLEAR, MINISTERIAL AND  
 NON-DISCRETIONARY "DUTIES".

5                   3.4. THE DEFENDANT'S "DUTIES" TO  
 PLAINTIFF ARE SPECIFIC, PLAIN, SIMPLE,  
 MINISTERIAL ACTS, DEVOID OF THE  
 EXERCISE OF DISCRETION OR JUDGMENT,  
 WITH PERFORMANCE SO POSITIVELY  
 COMMANDED AND Plainly PRESCRIBED  
 THAT THE DEFENDANT'S "DUTIES" AND  
 OBLIGATIONS ARE FREE FROM DOUBT.

6                   3.5. THE DEFENDANT'S "DUTIES"  
 TO THE PLAINTIFF ARE STRICTLY  
 REQUIRED BY THE CONSTITUTION,  
 STATUTE OR COURT RULE.

7                   3.6. THE DEFENDANT'S "DUTIES"  
 THAT THE PLAINTIFF SEEKS TO  
 COMPEL ARE THE PERFORMANCE OF  
 MINISTERIAL "DUTIES" COMPATIBLE WITH  
 THEIR OWN AGENCY'S RULES &  
 REGULATIONS.

1       3.7. THE DEFENDANT'S FAILURE  
2 TO FULFILL THEIR "DUTIES" TO THE  
3 PLAINTIFF PLACES THE DEFENDANTS IN  
4 CLEAR VIOLATION OF AND A FAILURE TO  
5 COMPLY WITH THEIR OWN RULES,  
6 RELATIONS AND PROCEDURES GOVERNING  
7 THEIR CONDUCT.

8       3.8. THE PLAINTIFF SEEKS THE  
9 PERFORMANCE OF CONSTITUTIONAL "DUTIES"  
10 OWED TO PLAINTIFF BY DEFENDANTS.

11       3.9. THE DEFENDANTS HAVE FAILED  
12 TO COMPLY WITH SPECIFIC CONSTITUTIONAL,  
13 STATUTORY OR REGULATORY DIRECTION,  
14 VIOLATING A CONSTITUTIONAL MANDATE.

15       3.10. THE DEFENDANTS HAVE ACTED  
16 IN EXCESS OF THEIR AUTHORITY AGAINST  
17 PLAINTIFF OR THEIR AUTHORITY HAS BEEN  
18 EXERCIZED IN AN UNCONSTITUTIONAL  
19 MANNER.

20       3.11. THE DEFENDANTS HAVE  
21 ACTED BEYOND THE SCOPE OF  
22 STATUTORY OR CONSTITUTIONAL AUTHORITY  
23 IN HARMING PLAINTIFF.

24       3.12. THE DEFENDANTS IN ACTING  
25 AGAINST THE PLAINTIFF HAVE VIOLATED  
26 AN EXPRESSED MANDATE BY STATUTE  
27 OR LAW, THEREBY ACTING OUTSIDE  
28 THE ZONE OF PERMISSABLE DISCRETION,

1 IN A "CLEAR ABSENCE OF ALL  
2 JURISDICTION".

3 3.13. THE DEFENDANTS HAVE  
4 OTHERWISE ABUSED THEIR DISCRETION  
5 AND ACTED CONTRARY TO LAW.

6 3.14. THE DEFENDANTS HAVE  
7 FAILED AND REFUSED TO MEET  
8 CERTAIN STATUTORY & REGULATORY  
9 OBLIGATIONS TO COMBAT DISCRIMINATION  
10 AND RETAKING AGAINST THE  
11 PLAINTIFF.

12 3.15. THE DEFENDANT'S OFFICIAL  
13 PRIOR ACTS AND ACTIONS AGAINST  
14 THE PLAINTIFF, CONSTITUTE AN  
15 UNLAWFUL EXERCISE OF THEIR  
16 POWERS AND ARE THEREFORE  
17 CONSTITUTIONALLY VOID.

18 3.16. THE ACTS AND "DUTIES"  
19 SOUGHT TO BE COMPLETED BY  
20 THE DEFENDANTS ARE "MINISTERIAL  
21 ACTS" WHICH THE LAW PRESCRIBES  
22 AND DEFINES AS MANDATORY "DUTIES"  
23 TO BE PERFORMED WITH SUCH  
24 PRECISION AS TO LEAVE NOTHING  
25 TO THE EXERCISE OF DISCRETION.

26 3.17. THE DEFENDANT'S  
27 PRIOR CONDUCT EXTENDS BEYOND  
28 ANY RATIONAL EXERCISE OR

1 ALLOWABLE DISCRETION, THAT  
 2 ~~EXCEED~~ THEY ARE "GOO" AND  
 3 UNLAWFUL EVEN IF FOUND TO BE  
 4 WITHIN THE "LETTER" OF THE AUTHORITY  
 5 GRANTED TO THE DEFENDANTS.

6 3.18 THE PLAINTIFF HAS  
 7 PREVIOUSLY FULLY EXHAUSTED BOTH  
 8 ADMINISTRATIVE AND JUDICIAL  
 9 REMEDIES AGAINST DEFENDANTS,  
 10 AND IS LEFT WITH NO ALTERNATIVE  
 11 APPROPRIATE REMEDY AT LAW, THAN  
 12 THIS ACTION FOR MANDAMUS.

13 3.19. THE PLAINTIFF HAS A  
 14 CLEAR AND UNDISPUTED RIGHT TO  
 15 THE RELIEF SOUGHT, AND THE  
 16 DEFENDANTS HAVE A CLEAR  
 17 CONSTITUTIONAL, STATUTORY OR  
 18 REGULATORY DUTY TO PERFORM  
 19 THE ACTS ~~DEMAND~~ AND "DUTIES"  
 20 DEMANDED.

21 3.20. THE PLAINTIFF, IN  
 22 SEEKING TO PREVIOUSLY COMPEL THE  
 23 DEFENDANTS ~~HAS BEEN~~ ~~FORCED~~ TO  
 24 PERFORM THEIR DUTIES HAS BEEN  
 25 ~~BE~~ UNLAWFULLY SUBJECTED TO:

26 (a) A DENIAL OF ACCESS TO THE  
 27 COURTS, LAW LIBRARY AND COURT  
 28 RESOURCES;

1                         ③ DENIAL OF DUE PROCESS  
2 NOTICE AND MEANINGFUL OPPORTUNITY  
3 TO BE HEARD;

4                         ④ A CONSPIRACY BY DEFENDANTS  
5 TO CONCEAL OR COVER UP THE  
6 PLAINTIFF'S UNLAWFUL ARRESTS,  
7 DETENTIONS, INCARCERATION OR  
8 PROSECUTIONS, AND INVALID CRIMINAL  
9 CONVICTIONS, ALL IN RETALIATION  
10 BY THE DEFENDANTS, ~~FOR THE~~ <sup>IN RESPONSE TO THE</sup>  
11 PLAINTIFF'S EXERCISE OF HIS  
12 CONSTITUTIONAL RIGHTS;

13                         ⑤ KNOWING AND INTENTIONAL  
14 DISSEMINATION AND RETALIATION  
15 AGAINST PLAINTIFF BY DEFENDANTS;

16                         ⑥ A FALSIFICATION OF THE  
17 PLAINTIFF'S CRIMINAL HISTORY AND  
18 FALSIFICATION OF AGENCY RECORDS  
19 AS TO PLAINTIFF, RESULTING IN  
20 MULTIPLE ADVERSE AGENCY OR  
21 FURNITIVE DETERMINATIONS AGAINST  
22 PLAINTIFF;

23                         ⑦ MULTIPLE CONSPIRIES AND  
24 ONGOING UNLAWFUL <sup>SEARCHES & SEIZURES OF</sup> STRUCTURES OR  
25 PROPERTY, PERSON, ALONG WITH  
26 VIOLATIONS OF CIVIL AND CONSTITUTIONAL  
27 RIGHTS OF PLAINTIFF.

13 OF 22  
PG ~~B~~

1           3.21 THE EQUITABLE AND  
2 PROCEDURAL STATUS AND POSTURE  
3 OF THIS CASE DEMONSTRATES THE  
4 NEEDED FOR PROMPT MANDAMUS, AS  
5 TO THESE ISSUES OF GREAT  
6 PUBLIC IMPORTANCE.

7           3.22 THAT THE PLAINTIFF IS  
8 CURRENTLY SUFFERING A "CONTINUING  
9 VIOLATION" OF HIS CONSTITUTIONAL RIGHTS  
10 BY THE DEFENDANTS, CONSTITUING  
11 "IRREPARABLE INJURY", ~~THE~~ WARRANTING  
12 IMMEDIATE INJUNCTIVE AND MANDAMUS  
13 RELIEF. (SEE WALTERS v. THOMPSON, 615  
14 F. SUPP 330, AT 341 (1985), CITING TO WRIGHT  
15 & MILLER, PED. PRACTICE & PROCEDURE  
16 § 2948 AT 440, AND ELROD v. BURNS, 427  
17 U.S. 347, AT 373 (1976).  
18

## IV. PRAYER

4.1 THE PLAINTIFF PRAYS FOR A DECLARATORY JUDGMENT DECLARING THE DEFENDANTS DUTIES AND OBLIGATIONS AS TO THE "FOREIGN JUDGMENTS" AND THE "ATTACHED EXECUTION".<sup>①</sup>

4.2 THE PLAINTIFF PRAYS FOR A WRIT OF MANDAMUS <sup>and injunctions</sup> COMPELLING THE DEFENDANTS TO PERFORM THEIR DUTIES AND OBLIGATIONS IMPOSED BY THE "FOREIGN JUDGMENTS" AND THE "ATTACHED EXECUTION".<sup>①</sup>

4.3 THE PLAINTIFF PRAYS FOR A WRIT OF PROHIBITION, <sup>and injunctions</sup> PROHIBITING THE DEFENDANTS FROM ENGAGING IN ACTS CONTRARY TO OR IN VIOLATION OF THE "FOREIGN JUDGMENTS" AND THE "ATTACHED EXECUTION".<sup>①</sup>

4.4 THE PLAINTIFF PRAYS FOR THE ISSUANCE OF EXECUTION AND ENFORCEMENT, UPON THE EX PARTE DEMAND OF THE PLAINTIFF, BY THE DEFENDANTS.

4.5 THE PLAINTIFF PRAYS FOR AN ORDER COMMANDING THE DEFENDANTS TO PAY ~~ATTACH TO~~ COLLECT OR TURN OVER TO THE

① INCEDED THE CORRECTION MODIFICATION PURSUANT TO THE AGREEMENT BETWEEN REC'D. NO. 100-87 AND CASE 46-20  
EX PARTE DEMAND RECEIVED TO THE PLAINTIFF  
THE FOREIGN JUDGMENTS AND THE ATTACHED EXECUTION PURSUANT  
TO S.C.C. 5529, Rec'd. 10.87 and case 46-20

1 PLAINTIFF THE LIQUIMATED  
2 DAMAGES, COMPENSATION, REPAIR  
3 & PERSONAL PROPERTY AS  
4 ESTABLISHED BY THE "FORGIVEN  
5 TUMULENTS" AND THE "ATTACHED  
6 EXECUTION".

7 4.6 PLAINTIFF PLAYS FOR  
8 COSTS OF SUIT, ATTORNEY FEES,  
9 ACTUAL DAMAGES, PUNITIVE DAMAGES,  
10 PURSUANT TO 11 U.S.C. § 362(h),  
11 AND OTHER PROVISIONS OF LAW.

12 DATED: 6/14/05

DJW

13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28  
MONITOR DISAPPEARED  
UNLAWFULLY INCARCERATED  
PRISONER & PLAINTIFF

VERIFICATION OF COMPLAINT

I, DUNCAN T. MCNEIL, III, HEREBY  
DECLARE THAT ALL STATEMENTS,  
AFFIRMATIONS OR CLAIMS MADE  
IN THE HEREIN COMPLAINT ARE  
MADE IN GOOD FAITH, AND ARE TRUE  
AND CORRECT UNDER THE  
PENALTY OF PERJURY, PURSUANT  
TO THE LAWS OF THE UNITED  
STATES.

DATED: 6/14/05

DJW

AJ 451 (Rev. 11/91) Certification of Judgment

# United States District Court

Eastern

Washington

DISTRICT OF

## CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

Duncan J. McNeil

v.

David Baker, et al

Case Number: CS-97-435-RHW

I, James R. Larsen, Clerk of the United States district court

certify that the attached judgment is a true and correct copy of the original judgment entered in this action on

MAR 15 2002

Date

, as it appears in the records of this court; and that

\*no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

MAR 15 2002,

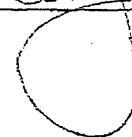
Date

James R. Larsen

Clerk

Kennedy

(By) Deputy Clerk



\*Insert the appropriate language: ... "no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed." ... "no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (f) have been disposed of, the latest order disposing of such a motion having been entered on [date]." ... "an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]." ... "an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

(f) Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.)

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1 Carlos Valero, WSBA#29192  
2 Law Offices of Carlos Valero  
3 715 E. Sprague Ave, Suite 204  
4 Spokane, WA 99202-2142  
Telephone 509-462-0000  
Facsimile 509-462-0007  
5 Attorney for Counter-Claimants

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 30 2001

JAMES R. LARSEN, CLERK  
SPOKANE, WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DUNCAN J. McNEIL,

Case No. CS-97-435-RHW

Plaintiff,

STIPULATED ORDER RE:  
LIABILITY AND DAMAGES

v.  
DAVID BAKER, et. al.,

Defendants.

CITIZENS AGAINST BANKRUPTCY &  
REAL ESTATE FRAUD L.P.; et. al.,

Hearing Date: September 27, 2000  
Hearing Time: 1:00 p.m.

Employers and Counter-Claimants,

Attest A True Copy  
James R. Larsen Clerk  
United States District Court  
Eastern District of Washington

vs.  
JOHN T. POWERS, et. al.,

By Deputy Clerk  
Deputy Clerk

Counter-Defendants.

RECEIVED

SEP 6 2000

CLERK, U.S. DISTRICT COURT  
SPOKANE, WASHINGTON  
Liability and Damages" in support of a "Stipulated Final Judgment on Less Than  
All Claims; No Just Reason for Delay of Entry of Final Judgment on Less Than All

Stipulated Order Re: Liability and Damages - Page 1

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1      Claims", entered concurrently herewith:

2                    **STIPULATED FACTS**

3      Plaintiff and Counter-Claimants hereby stipulate to the following facts:

4      1. Counter-Claimants and Plaintiff hereby admit as true the factual  
5      allegations contained in paragraphs 1 to 148 of the Plaintiff's First Amended  
6      Complaint, filed in this action on July 30, 1999 as Ct. Rec #115.

7      2. That at all times since May of 1996, Plaintiff was employed by Counter-  
8      Claimants and is owed agreed compensation for the services performed by Plaintiff,  
9      in the total amount of \$309,610.00, see discussion *infra*. That since June of 1996,  
10     Plaintiff has performed valuable services for Counter-Claimants related to the  
11     preservation and implementation of the JV/Loan Agreement and the confirmation  
12     and implementation of Broadway's Confirmed Plan of Reorganization. That  
13     Plaintiff has no ownership interests in Counter-Claimants and is not an officer,  
14     director, stockholder or equity holder of Counter-Claimants. Plaintiff is and at all  
15     times was, a retained independent consultant, performing valuable services for  
16     Counter-Claimants, at the request and instruction of Counter-Claimants, for the  
17     benefit of Counter-Claimants.

18     3. Were it not for Plaintiff's services, completed at the request and instruction  
19     of the Counter-Claimants, Counter-Claimants would not have been able to preserve  
20     and protect their interests in the JV/Loan Agreement and would not have been able  
21     to obtain the confirmation and implementation of Broadway's Confirmed Plan of  
22     Reorganization.

23     4. In May of 1996 and since that date, Counter-Claimants, through corporate  
24     resolutions, court orders and other authorizations and instruction, have employed  
25     Plaintiff and instructed Plaintiff to take all necessary action to: (1) investigate,  
26     preserve and protect Counter-Claimant's claims against third parties; (2) preserve,  
27     protect and implement Counter-Claimant's interests in the JV/Loan Agreement; (3)  
28     obtain the confirmation and implementation of Broadway's Confirmed Plan of

Stipulated Order Re: Liability and Damages - Page 2

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1 Reorganization; (4) formulate and implement a plan of reorganization for GMFT  
 2 Reorganization Corporation; (5) cause the unauthorized and forged deed wrongfully  
 3 encumbering the BROADWAY PROPERTY to be stricken and expunged; (6) cause  
 4 the unlawful Lis Pendens wrongfully encumbering the ANTLER PROPERTY to be  
 5 stricken and expunged; and (7) to take any and all other action necessary to preserve  
 6 and protect the Counter-Claimants business interests from the wrongful and  
 7 unlawful conduct of Third Parties. (See paragraphs 1 to 148 as alleged in Plaintiff's  
 8 First Amended Complaint.)

9 5. Were it not for the wrongful actions of Third Parties, Plaintiff would not  
 10 have had to perform the services described in paragraph #4, above. Were it not for  
 11 the wrongful actions of Third Parties, Counter-Claimants would not have incurred  
 12 the herein obligation owed to Plaintiff. Were it not for the wrongful actions of  
 13 Third Parties, Counter-Claimants would owe the Plaintiff no amount of unpaid  
 14 compensation.

15 6. That pursuant to the course of conduct, written partnership agreements,  
 16 written employment agreements, and Broadway's Confirmed Plan of  
 17 Reorganization, Plaintiff is entitled to recover reasonable compensation from  
 18 Counter-Claimants, in the sum of at least \$30/hr., plus expenses, for all services  
 19 which were requested and performed since June of 1996, as established herein.

20 7. Due to the wrongful actions of Third Parties, Counter-Claimants have been  
 21 unable to pay to Plaintiff reasonable compensation, for the valuable services that  
 22 Plaintiff has performed since June of 1996. Were it not for the wrongful actions of  
 23 Third Parties, the Counter-Claimants and related parties, Plaintiff would not have  
 24 been required to performed the services for Counter-Claimants, as described in  
 25 paragraph 4.

26 8. Having completed satisfactory discovery and in order to avoid further  
 27 litigation expense and costs, Plaintiff and Counter-Claimants hereby stipulate that  
 28 Counter-Claimants are, jointly and severally indebted to Plaintiff as follows:

Signed Order Re: Liability and Damages - Page 3

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1           a. For the time period of June of 1996 to March of 1999, Plaintiff has  
 2           claimed reasonable compensation in the amount of \$129,021.00. To  
 3           avoid further litigation, Plaintiff and Counter Claimants hereby  
 4           stipulate to Plaintiff being entitled to reasonable compensation in the  
 5           sum of \$120,000, for this time period, plus pre-judgment interest of  
 6           12% per annum, from November 1, 1997 on this amount, for a total  
 7           sum of \$162,600.00, for this period, due as of October 1, 2000;

8           b. For the time period of March 1999 to March 2000, Plaintiff has  
 9           claimed reasonable compensation in the amount of \$94,114.00. To  
 10          avoid further litigation, Plaintiff and Counter Claimants hereby  
 11          stipulate to Plaintiff being entitled to reasonable compensation in the  
 12          sum of \$90,000, for this time period, plus pre-judgment interest of 12%  
 13          per annum, from September 1, 1999 on this amount, for a total sum of  
 14          \$101,880.00, for this period, due as of October 1, 2000;

15          c. For the time period of March 2000 to October 1, 2000, Plaintiff has  
 16          claimed reasonable compensation in the amount of \$55,029.00. To  
 17          avoid further litigation, Plaintiff and Counter Claimants hereby  
 18          stipulate to Plaintiff being entitled to reasonable compensation in the  
 19          sum of \$52,000, for this time period, plus pre-judgment interest of 12%  
 20          per annum, from May 1, 2000 on this amount, for a total sum of  
 21          \$54,652.00, for this period, due as of October 1, 2000;

22          d. That Plaintiff is entitled to reasonable compensation for services to be  
 23          performed after October 1, 2000, in the sum of \$6,450.00 per month,  
 24          plus actual expenses, and interest at the rate of 12% per annum, until  
 25          the successful implementation of the JV/Loan Agreement and the  
 26          implementation of Broadway's Confirmed Plan of Reorganization.  
 27          Said amount to be set by subsequent stipulated order of this court.

28          9. Based upon the foregoing, Plaintiff and Counter-Claimants stipulate that

Stipulated Order Re: Liability and Damages - Page 4

*P6 21 or 22*

1 Counter-Claimants are jointly and severally obligated and liable to Plaintiff in the  
 2 sum of \$319,132.00, for valuable services rendered from the time period of June of  
 3 1996 to October 1, 2000. Plaintiff and Counter-Claimants stipulate that said sum  
 4 shall accrue post-judgment interest at the rate of 12% per annum, until paid in full.

5 That Plaintiff and Counter-Claimants stipulate that Plaintiff is the  
 6 prevailing party in this action, as to Counter-Claimants and that Plaintiff is entitled  
 7 to an award of his attorney fees and costs in bringing this action. Said amount to be  
 8 set by subsequent order of this court.

9 **ORDER OF THE COURT**

10 **IT IS HEREBY ORDERED** that the foregoing "Stipulated Order Re:  
 11 Liability and Damages" in support of a "Stipulated Final Judgment on Less Than  
 12 All Claims; No Just Reason for Delay of Entry of Final Judgment on Less Than All  
 13 Claims", is entered in favor of Plaintiff and against Counter-Claimants, jointly and  
 14 severally.

15 **IT IS FURTHER ORDERED**, that the District Court Executive is directed  
 16 to enter this "Stipulated Order Re: Liability and Damages" and to provide copies to  
 17 counsel and Plaintiff.

18 Dated: 10/30/00

22 **So Stipulated:**

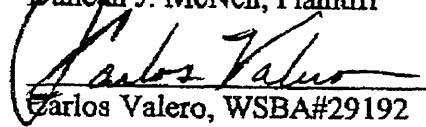
24 Dated: September 26, 2000

25 Dated: September 26, 2000

27 Entered in Civil Docket on 1/30/01

  
 ROBERT H. WHALEY  
 United States District Judge

  
 Duncan J. McNeil, Plaintiff

  
 Carlos Valero, WSB#29192  
 Law Offices of Carlos Valero  
 Attorney for Counter-Claimants